

REMARKS

Applicant and the undersigned would like to thank the Examiner for his efforts in the examination of this application, and for the courtesy, helpfulness, and collegiality extended during the above-referenced Interview.

I. Rejection of Claims 5, 6, 11, 14, 17, 18, 22-24, 28, 29, 34-36, 41-44, 47, and 48 under 35 USC 103(a)

The Examiner has rejected Claims 5, 6, 11, 14, 17, 18, 22-24, 28, 29, 34-36, 41-44, 47, and 48 as being unpatentable over L'Esperance in combination with Bille et al. '586.

In the above-referenced Interview, the Examiner has agreed that Bille '586 does not teach a predetermined pattern, and instead indicates that an "apparently random" firing pattern is used. Therefore, Bille '586 does not teach the physical spreading of the shot pattern in order to eliminate the plume effect.

It is thus believed from the Interview that independent Claims 5, 6, 17, 22-24, 28, 29, 34-36, and 47 already patentably define over the cited art.

Claims 11 and 41 have been amended as agreed to add the language that each subsequent pulse is sufficiently spaced apart from the preceding pulse so that any plume of ablated material from the preceding pulse will not substantially interfere with the subsequent pulse.

Thus Claims 5, 6, 11, 17, 22-24, 28, 29, 34-36, 41, and 47 are believed to patentably define over the cited art. Claim 14, dependent from Claim 11, Claim 18, dependent from Claim 17, Claims 42-44, dependent from Claim 41, and Claim 48, dependent from Claim 47, are also thereby believed to patentably define over the cited art.

II. Rejection of Claims 1-8, 11, 12, 14-29, and 31-48 under 35 USC 103(a)

The Examiner has rejected Claims 1-8, 11, 12, 14-29, and 31-48 under 35 USC 103(a) as being unpatentable over Warner et al. in combination with Bille '586.

As discussed above in §I, in the above-referenced Interview, the Examiner has agreed that Bille '586 does not teach a predetermined pattern, and instead indicates that

an "apparently random" firing pattern is used. Therefore, Bille '586 does not teach the physical spreading of the shot pattern in order to eliminate the plume effect.

It is thus believed from the Interview that independent Claims 1-6, 8, 12, 14-29, 31-36, 38-40, and 42-48 already patentably define over the cited art.

Claims 7, 11, 37, and 41 have been amended as agreed to add the language that each subsequent pulse is sufficiently spaced apart from the preceding pulse so that any plume of ablated material from the preceding pulse will not substantially interfere with the subsequent pulse.

Thus Claims 1-8, 11, 12, 14-29, and 31-48 are believed to patentably define over the cited art.

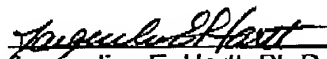
III. Terminal Disclaimer

As requested by the Examiner, a Terminal Disclaimer signed by Carl Napolitano, who is properly named on the enclosed Revocation, is enclosed herewith. As correctly pointed out by the Examiner, the Registration Number of the undersigned was typed incorrectly on the Revocation. Therefore, an Associate Power of Attorney is also enclosed herewith naming the undersigned.

CONCLUSIONS

Applicant respectfully submits that the above amendments place this application in a condition for allowance, and passage to issue is respectfully solicited. The Applicant and the undersigned would like to again thank the Examiner for his efforts in the examination of this application, for the courtesy shown in the Interview, and for reconsideration of the claims as amended in light of the arguments presented. If the further prosecution of the application can be facilitated through telephone interview between the Examiner and the undersigned, the Examiner is requested to telephone the undersigned at the Examiner's convenience.

Respectfully submitted,



Jacqueline E. Hartt, Ph.D.

Reg. No. 37,845

ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST, P.A.

255 South Orange Avenue, Suite 1401

P.O. Box 3791

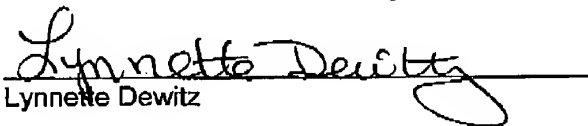
Orlando, Florida 32802

(407) 841-2330

Agent for Applicant

CERTIFICATE OF FACSIMILE SERVICE

I hereby certify that the foregoing is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner of Patents, Washington D.C. 20231, this 24th day of April, 2003.


Lynnette Dewitz

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

RUDOLPH W. FREY, ET AL

Serial No. 08/232,615

Filing Date: April 25, 1994

For: LASER BEAM DELIVERY AND EYE
TRACKING SYSTEM

Examiner: D. Shay

Art Unit: 3311

Asst. Commissioner for Patents
Washington, D.C. 20231

Sir:

POWER OF ATTORNEY AND REVOCATION OF PRIOR POWERS

In the matter of the above-entitled application, Assignee, AUTONOMOUS TECHNOLOGIES CORPORATION, hereby revokes all powers of attorney heretofore given by it and appoints as its attorneys HERBERT L. ALLEN, Reg. No. 25,322; CARL M. NAPOLITANO, Reg. No. 37,405; and JACQUELINE E. HARTT, Reg. No. 37,485, of the law firm of Allen, Dyer, Doppelt, Milbrath & Gilchrist, P.A., 255 South Orange Avenue, Suite 1401, Post Office Box 3791, Orlando, Florida 32802, with full power of substitution, association and revocation, to prosecute said

application and to transact all business in the United States Patent and Trademark Office connected therewith.

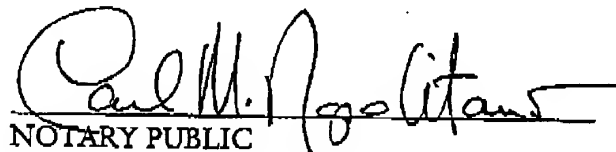
AUTONOMOUS TECHNOLOGIES
CORPORATION

Date: 3/17/98

By: 
Richard C. Capozza
Executive Vice President

STATE OF FLORIDA
COUNTY OF ORANGE

On this 17th day of March, 1998, before me personally appeared Richard C. Capozza as Executive Vice President of Autonomous Technologies Corporation, to me personally known as the individual who executed the foregoing instrument, and who acknowledged to me that he executed the same of his own free will for the purposes therein set forth.


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My Commission Expires:

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APR. 24. 2003 4:18PM

NO. 895 P. 54/54

CERTIFICATE OF MAILING

I HEREBY CERTIFY the foregoing is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: ASSISTANT COMMISSIONER OF PATENTS, WASHINGTON, D.C. 20231, on this 19 day of March, 1998.

Lynette Dewitt

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